

# Exhibit 84

*United States of America ex rel. Ven-a-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corp. et al.*

Civil Action No. 07-10248-PBS

Exhibit to the August 28, 2009 Declaration of James J. Fauci In Opposition To  
Corrected Boehringer Ingelheim Corporation and Boehringer Ingelheim Pharmaceuticals, Inc.  
Local Rule 56.1 Statement of Undisputed Material Facts  
in Support of Their Motion For Summary Judgment

**From:** KING,JIM MK BIPUS <jimking@boehringer-ingelheim.com>  
**Sent:** Friday, August 18, 2000 8:28 AM  
**To:** FERRARA,CHRISTINE MK BIPUS <ferrara@boehringer-ingelheim.com>  
**Subject:** RE: Roxicodone 15/30mg Launch Plan

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Without speaking about this with anyone, the price looks good.

Jim

-----Original Message-----

From: FERRARA,CHRISTINE MK BIPUS  
Sent: Tuesday, August 15, 2000 8:13 AM  
To: CIARELLI,GREGG MK BIPUS; KING,JIM MK BIPUS; LEONETTI,MIKE HR BIPUS;  
MARLIN,DR,STEVE ID BIPUS  
Cc: DUY, FRED ROXUS; BERKLE, SHELLY FN BIPUS  
Subject: FW: Roxicodone 15/30mg Launch Plan  
Importance: High

Please review the attached proposal and give me any comments by 8/17. This needs to be expedited - thus I will solicit approval via email and voicemail.

Chris

-----Original Message-----

From: DUY, FRED ROXUS  
Sent: Monday, August 14, 2000 6:08 PM  
To: FERRARA,CHRISTINE MK BIPUS  
Subject: RE: Roxicodone 15/30mg Launch Plan

Good catch, Chris. The average AWP should be \$34.20 instead of \$34.09. That's calculated without Endo's Percolone because it's an outlier, and without the unit dose RN25's, because they aren't relevant. The spread is then \$41.15, as shown on the attached corrected proposal.

If we kept the same 25% difference between AWP and WAC as the 5mg, there would be a strong incentive to substitute 5mg tablets for 15mg scrips, or to complain about our pricing. If we want to be consistent, let's raise the AWP on 5mg tablets to \$36 or higher.

Thanks for looking at this so quickly, Chris. Is there a way to get approved pricing prior to August 27 when the NAMs meet with chain and wholesale customers at the NACDS?

fd

<< File: Roxicodone pricing proposal2.doc >>

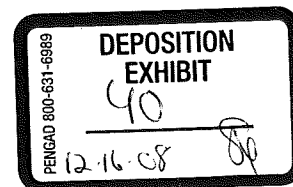
-----Original Message-----

From: FERRARA,CHRISTINE MK BIPUS  
Sent: Monday, August 14, 2000 3:18 PM  
To: DUY, FRED ROXUS  
Subject: RE: Roxicodone 15/30mg Launch Plan

Fred,

I would be happy to endorse your proposal, however, I have some questions regarding the proposal:

Highly Confidential



BOEH00236135

1. I cannot come up with the same number that you did for the average spread to Pharmacy. If you use the average of the products included in your pricing table, you get a spread in excess of \$54. If you simply use the Roxicodone 5mg 100's, the spread is \$33.84. Please explain how you derived your number - or is it a typo?
2. The proposed spread between the 15mg and 30mg WAC and AWP is not consistent with the already launched 5mg. Is there a rational for this?

Chris

-----Original Message-----

From: DUY, FRED ROXUS

Sent: Saturday, August 12, 2000 2:31 PM

To: BERKLE, SHELLY FN BIPUS

Cc: Doug Bierl (E-mail); CHLEBICKI, RAYMOND ROXUS; CIARELLI, GREGG MK BIPUS; COKE, JOHN ROXUS; DICKERSON, DUKE ROXUS; FELDMAN, RICHARD ROXUS; FERRARA, CHRISTINE MK BIPUS; HART, JERRY ROXUS; MARLIN, DR, STEVE ID BIPUS; MAYHEW, CHERI ROXUS; POWERS, JOHN ROXUS; SHAFFER, MARK ROXUS

Subject: Roxicodone 15/30mg Launch Plan

Dear Shelly:

Attached is the launch plan for Roxicodone 15 and 30mg Tablets. The strategy is essentially what you saw in Tarrytown - it has been updated and expanded with specific tactics by Doug Bierl, with input from lots of people here and in Ridgefield. We expect approval by the user fee deadline - August 29. Based on final labeling on that date, product will be available for shipment October 2, and stocking will be adequate for physician detailing to begin by November 13. This plan will be reviewed with the Area Managers beginning August 21, to prepare the Plans of Action for the launch meeting with the Palliative Care Sales Force during the week of September 18. If you can fit it into your schedule, we would be happy to present the Launch Plan to you and whoever you think appropriate in Ridgefield.

Also attached is the initial pricing proposal for Roxicodone 15 and 30mg Tablets. I understand the Pricing Committee meeting has been delayed to August 31, and am not sure of the process for establishing prices, but it would be helpful if we could have approved pricing so the National Account Managers could pre-sell these unique, new strengths to wholesalers and retail chains at the NACDS meeting which begins August 27. Is there anyone in addition to Gregg and Chris we should send pricing to to ask for an expedited decision?

Let us know if you have any questions, Shelly, and if you want us to present the Plan to anyone else.

Best regards,  
fd

<< File: Roxicodone 15-30 launch plan.ppt >> << File: Roxicodone pricing proposal.doc >>